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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,564	11/20/2003	Steve Anspach	ANSPACH	7050
7590 05/13/2008 MANELLI DENISON & SELTER PLLC 2000 M Street, N.W., 7 th Floor Washington, DC 20036-3307				
EXAMINER LEMMMA, SAMSON B				
ART UNIT		PAPER NUMBER		
2132				
MAIL DATE		DELIVERY MODE		
05/13/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/716,564

Applicant(s)

ANSPACH, STEVE

Examiner

Samson B. Lemma

Art Unit

2132

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-8 and 10-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-8 and 10-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 1, 2008 has been entered.

2. **All independent claims 1 and 8** are amended.
3. Claims 2 and 9 are canceled. Thus claims **1, 3-8 and 10-14** are pending/examined.

Priority

4. This application claims priority of a provisional application, application No. 60/502,660 filed on September 15, 2003. Therefore, the effective filing data for the subject matter defined in the pending claims of this application is **09/15/2003**.

Response to Arguments

5. Applicant's argument/s filed on April 1st, 2008 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1, 3-8, 10-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Nortel Network, an article written with title “Securing Voice across the Internet”** (Hereinafter referred as **Nortel**) (2002, see reference U) in view of article written with the title, “The complete PC solution for the KIV-7”) (Hereinafter referred as “complete pc solution”) (Copyright 2002) (Submitted with IDS)

8. **As per independent claims 1 and 8 Nortel discloses a method of encrypting and transmitting voice and data together in a secure communication system** [Figure 5, see “Streamed VoIP data encrypted at sender using encryption data”], said method comprising:

- **Receiving a voice-over-IP (VoIP) data stream from a telephony device ; [See figure 1, “i2004” or see figure 1, “i2050” and figure 2, “VOIP phone”]**

- **Receiving data communications from a computing device; [see figure 1, "Teleworker PC"/or "i2050PC" and figure 2, see the PC]**
- ***Combining said VoIP data stream and said data communications to form a single combined data stream (See figure 1 and 2 and page 2, column 2)***
- **Encrypting said single combined data stream through encryption unit into an encrypted data stream; [Page 2, column 3, 1st paragraph, see also figure 2, "Encrypted Voice/data"] and**
- **Encapsulating said encrypted data stream in IP packets for transmission [Page 2, column 3, 1st paragraph]**

Nortel does not explicitly disclose said encrypting data using a Type 1 encryption unit.

However, in the same field of endeavor "complete pc solution", discloses said encrypting data/videoconferencing /VOIP using a Type 1 encryption unit, wherein said Type 1 encryption unit comprises: a KIV type encryption unit. [See page 1]

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to combine the features of using Type 1/KIV-7 encryption unit as per teachings of "complete pc solution" into the method as taught **by Nortel in order to make easy and secure dial and answer call with a KIV-7 for PC**

to PC based videoconferencing. [See “complete pc solution” **page 2 last Paragraph**]

9. **As per claims 3 and 10 the combination of Nortel and complete pc solution** discloses a method as applied above. Furthermore **complete pc solution** discloses the method wherein: said coming is performed by a voice-enabled router. [See on page 2, on the figure, “Router” and on page 1, third paragraph, “it can connect to any remote device including routers...” or see also on Turt, figure 1, ref. num 5 and 7]
10. **As per dependent claims 4-7 and 11-14 the combination of Nortel and complete pc solution** discloses a method as applied above. Furthermore **complete pc solution** discloses the method wherein: said Type 1 encryption unit is a KIV-type encryption unit. [See page 1 and the figures in page 2]

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 571-272-3806. The examiner can normally be reached on Monday-Friday (8:00 am---4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, BARRON JR GILBERTO can be reached

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on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-873-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Samson B Lemma/
Examiner, Art Unit 2132
05/05/2008

/Gilberto Barron Jr/
Supervisory Patent Examiner, Art Unit 2132